

ORIGINAL

Garcia Voir Dire

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**FILED**  
DISTRICT COURT OF GUAM

FEB 21 2007 *rbv*

MARY L.M. MORAN  
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
MARIO GARCIA, )  
 )  
Defendant. )  
\_\_\_\_\_ )

CRIMINAL CASE NO. 06-00053

UNITED STATES' AMENDED  
[PROPOSED]  
VOIR DIRE

Pursuant to the order of this Court and Federal Rule of Criminal Procedure 24(a), the United States submits the following amended proposed voir dire questions.

A. WITNESSES (Assuming that the Court reads the names of the attorneys and the trial witnesses to the panel.)

1. Are any of you friendly or associated or related with the attorneys for the United States, or for the defense, in this case, either socially or through your role as jurors in other cases? If so, please explain the nature of the prior knowledge and how it may affect your attitude as a juror in this case.

2. Do any of you know any of the witnesses who will testify? If so, please describe your acquaintance.

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1           3. Do any of you know the defendant or his family members socially or through  
2 some business or other acquaintanceship? If so, please describe the association.

3           4. Would it be embarrassing and perhaps even painful to have to return a verdict  
4 against the defendant when you are so acquainted with the defendant or his family?

5           B.     GENERAL INFORMATION

6           5. Do you have any friends who are attorneys? If so, what type of law do they  
7 practice?

8           6. Please explain for us the nature and extent of your educational background,  
9 including any special training courses and vocational seminars you have attended. If you  
10 attended college, what was your major field of study?

11          7. Have any of you ever studied law or had any legal training? If so, a) when did  
12 you receive this training; b) extent of training; and c) could you set aside what you have learned  
13 and decide the case based on the evidence and the law given in this case?

14          8. Are you married? Do you: Live alone? Share house with another person or  
15 persons? Live with family?

16          9. Please describe the nature of your employment and that of your spouse, if you  
17 are married.

18          10. Please describe your immediate family and, how each formally employed  
19 member is employed, the nature of any past employment, and the educational background of your  
20 immediate family.

21          11. Where do you now reside and for how long have you been a resident of that  
22 address? (If the prospective juror indicates that he or she is new to the present address, please  
23 ascertain that person's prior place of residence.)

24          12. What formal organizations, fraternities, or societies do you or any member of  
25 your family belong to?

26          13. Please explain your past experience on juries in both civil and criminal cases.  
27 Tell us when the case was tried and the nature of the case. Without telling me whether or not the  
28

1 jury found the defendant guilty or not guilty, please tell me whether or not the jury actually  
2 reached a verdict. Would you be influenced in any way by your previous experience as a juror?

3 14. Do you have any fixed view about the United States Department of Justice or  
4 the United States Navy that would affect your ability to be an impartial juror in this case? Do  
5 you have any fixed views about the U.S. Naval Base Guam Security Force?

6 15. Is there anything about the nature of this case that would make it difficult for  
7 you to be a fair and impartial juror in this trial? If yes, what would prevent you from being fair  
8 and impartial?

9 16. Most of us during our lives have in one way or another come into contact  
10 with law enforcement officers. Have any of these experiences made you feel one way or another  
11 about them? If so, what are these feelings? Have you or any of your acquaintances ever had any  
12 experiences with the above-referenced law enforcement agency that would influence your ability  
13 to sit as a fair and impartial juror in this matter?

14 17. The Information in this case charges offenses involving the unlawful sale,  
15 disposal, and conveyance of cooper cable owned by the Government. Have you, any members of  
16 your family, or close friends had problems as a result of the unlawful sale, disposal, and  
17 conveyance of cooper cable ? If so, what were those problems? Do you believe this prior  
18 experience would affect your attitude towards this case? Is there anything about the nature of  
19 this case that makes you wish not to be involved in the trial? If so, what is it?

20 C. OTHER MATTERS

21 18. Has anyone talked to you about this case or attempted to influence you in any  
22 way about it since you were notified you were on the jury panel? Who? When? Where? Who  
23 else was present? What did you say? Before you were so notified, did anyone attempt to  
24 influence you about jury service on this matter? Please tell us the details of that event.

25 19. Have you, your relatives or close friends ever been the victim of a crime?  
26 State the nature of the crime and what was the outcome of the case. Do you believe this would  
27 affect your attitude towards this case as a juror?

1           20. Have you, your relatives or close friends ever been charged with or  
2 investigated for a crime? If so, what was the nature of this investigation or charge? How was it  
3 handled?

4           21. Have you, your relatives or close friends ever witnessed the commission of a  
5 crime? What type of crime? What was the outcome of the case? Would you be influenced in  
6 any way by your experience as a witness to a crime?

7           D.     GENERAL QUALIFICATION

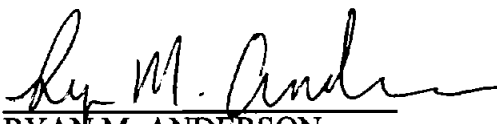
8           22. Will you be able to render a verdict solely on the evidence presented at trial  
9 and the law that is given to you and not allow anything else to affect your verdict?

10          23. Do you have any specific health problems which would make it difficult for  
11 you to serve as a juror in this case?

12          24. Do you know any reason whatsoever why you may not sit as a fair and  
13 impartial juror in this case?

14          RESPECTFULLY SUBMITTED this 21<sup>ST</sup> day of February, 2007.

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16                   LEONARDO M. RAPADAS  
                    United States Attorney  
                    Districts of Guam and NMI

17  
18                   By:   
19                   RYAN M. ANDERSON  
                    Special Assistant U.S. Attorney